

Abdoo, Leslie

From: Lane Myers <meyerlansky879@gmail.com>
Sent: Monday, October 24, 2022 12:07 PM
To: Zint, Amanda; Abdoo, Leslie; Homier, Michael
Subject: 14th Amendment

Categories: Red Category

Filing that Rule 11 was a waste of time and makes you look even more incompetent than you already look. Its legal malpractice.

I filed a complaint about the violation of my 14th amendment Due process rights under the liberty provision. You filed something arguing about property. You are incompetent. The park is traditional public forum, where strict scrutiny takes place.

Hopefully this explains it a little more. I would describe this a concurrence

14th Due Process 1983
The ordinance itself violates the 14th Amendment for vagueness

Enforcing it against me violates the 14th amendment due process clause for the deprivation of liberty rights of free speech, right to assembly, right to petition. reverse incorporation applied 5th amendment right to be free from self incrimination in quasi criminal. 6th amendment Confrontation Clause. 4th amendment right to unreasonable searches and seizures.

This doctrine holds that the Due Process Clause incorporates the text of certain provisions of the Bill of Rights. Thus, in [Malloy v. Hogan](#),¹⁹ Justice Brennan wrote:

"We have held that the guarantees of the First Amendment, the prohibition of unreasonable searches and seizures of the Fourth Amendment, and the right to counsel guaranteed by the Sixth Amendment, are all to be enforced against the States under the Fourteenth Amendment according to the same standards that protect those personal rights against federal encroachment."

The clause in Section One of the [Fourteenth Amendment to the United States Constitution](#) provides:

...nor shall any State deprive any person of life, liberty, or property, without due process of law.

Furthermore, the Court has interpreted the [Due Process Clause](#) of the [Fourteenth Amendment](#) as protecting the rights in the [First Amendment](#) from interference by state governments.

Madison's argument that "the State Governments are as liable to attack these invaluable privileges as the General Government is" has been demonstrated true. It is apparent now that individual liberty has indeed more to fear from the states than from the Federal Government, and more from the states' municipalities than from the states themselves; for except in time of war, abridgment of freedom of speech and of religious freedom comes, not from Washington but from nearer home sometimes from state statutes, but more often from city or county ordinances, regulations of a school board or of a state university, decrees or judgments of a court. 268 US 652

Vagueness doctrine

There are at least two ways a law might be attacked for being unconstitutionally vague:

- When a law does not specifically enumerate the practices that are either required or prohibited. In this case, the ordinary citizen does not know what the law requires.^[3] See also [Coates v. City of Cincinnati](#) (1971) and [FCC v. Fox Television Stations, Inc](#) (2012).

Unconstitutional vagueness is a concept that is used to strike down certain laws and judicial actions in [United States federal courts](#). It is derived from the [due process](#) doctrine found in the [Fifth](#) and [Fourteenth Amendments](#) to the [United States Constitution](#). The doctrine prohibits criminal prosecution for laws where it is impossible to reasonably understand what conduct is prohibited.

[Papachristou v. Jacksonville](#) (1972) and [Kolender v. Lawson](#) (1983) were two [U.S. Supreme Court](#) cases where the court struck down laws against [vagrancy](#) for unconstitutional vagueness; in restricting activities like "loafing", "strolling", or "wandering around from place to place", the law gave arbitrary power to the police and, since people could not reasonably know what sort of conduct is forbidden under the law, could potentially criminalize innocuous everyday activities.

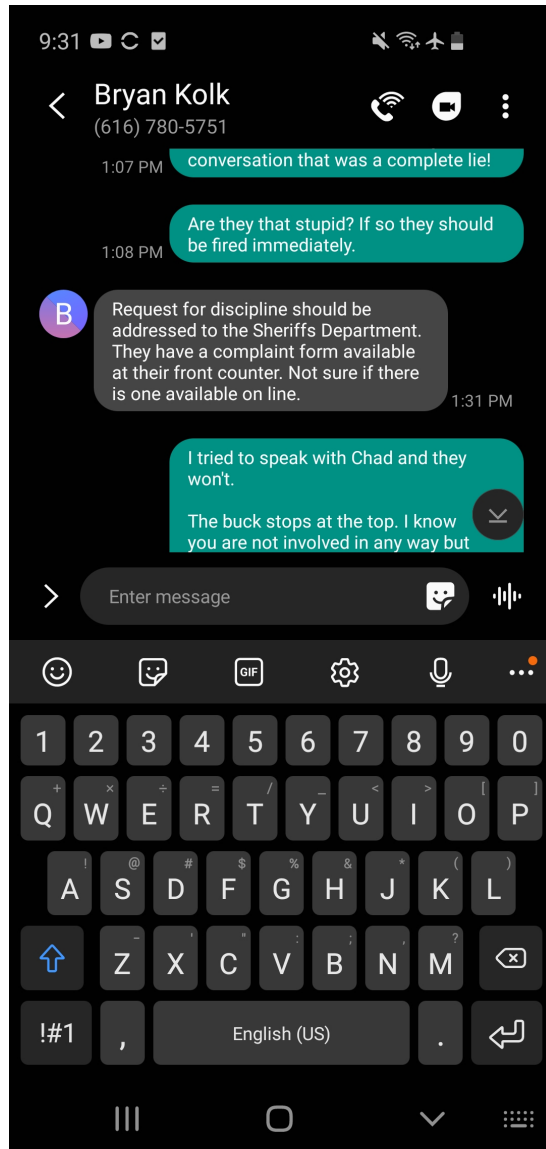
In [FCC v. Fox Television Stations, Inc](#) (2012), the Supreme Court ruled that since the words "obscene", "vulgar", "profane", and "indecent", were not accurately defined by the [FCC](#), it was unconstitutionally vague to enforce the restrictions against "obscene", "vulgar", "profane", or "indecent" acts since any person may see different things as obscene, vulgar, profane, or indecent.

From: [Lane Myers](#)
To: [Homier, Michael](#); [Abdoo, Leslie](#); [Zint, Amanda](#)
Subject: Rule 11
Date: Tuesday, October 25, 2022 12:13:23 PM

You are either incompetent or committing legal malpractice. As soon as I file this amended complaint. Your rule 11 is procedurally moot. Is this your first day practicing law or something?

From: [Lane Myers](#)
To: [Abdoo, Leslie](#); [Zint, Amanda](#); [Homier, Michael](#)
Subject: Ongoing civil rights violations
Date: Tuesday, October 25, 2022 12:14:06 PM

<https://youtu.be/OG7o2JpBztc>



From: [Lane Myers](#)
To: [Zint, Amanda](#); [Abdoo, Leslie](#); [Homier, Michael](#)
Subject: 6th amendment
Date: Tuesday, October 25, 2022 8:10:39 PM

I was charged, convicted, and sentenced to a misdemeanor crime under Michigan law without an opportunity to confront the witnesses against me. Thats a violation of the 6th amendment. and 14th, twice.

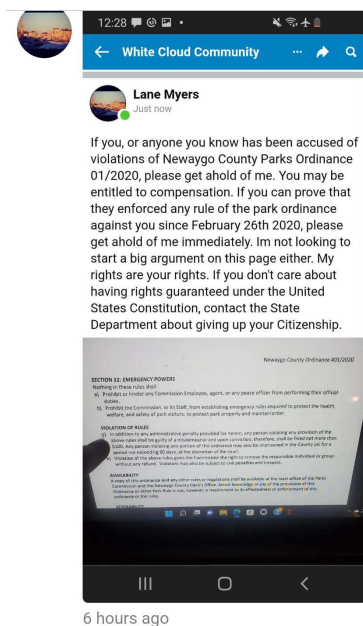
You are admitting that I am banned, without due process, for committing a misdemeanor crime. All criminals get due process. Without having tot sue for it. Add a couple million to the settlement numbers now.

You were incompetent enough to file the whoel ordinance in your rule and it specfically states that its enforced under State law, and violations of it are considered a misdemeanor, with criminal or civil penalites including trespassing. How incompetent are you? Seriously!

How much clearer can it be? That I am going to absolutely DESTROY your clueless legal arguments and get paid a few million dollars for it.

9:04 PM 4G 39%

← Facebook user (3)

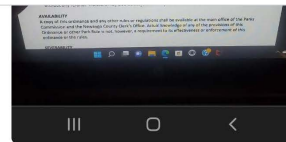


Thanks for messaging us. Our office hours are M-F 8am to 5pm, excluding holidays, we will reply to your message as soon as possible. Have a great day! Most information and answers to your question can be found on our Parks Website.
<https://www.newaygocountymi.gov/departmen>

You cannot reply to this conversation.

9:05 PM 4G 39%

← Facebook user (3)



Thanks for messaging us. Our office hours are M-F 8am to 5pm, excluding holidays, we will reply to your message as soon as possible. Have a great day! Most information and answers to your question can be found on our Parks Website.
<https://www.newaygocountymi.gov/departmen ts/parks/parks-recreation/>

Create Appointment

6 hours ago



I was charged, convicted, and sentenced to a misdemeanor without Due Process. Im going to win so much money they will need to close the parks and rec department

6 hours ago

You cannot reply to this conversation.

From: Lane Myers <meyerlansky879@gmail.com>
Sent: Thursday, October 27, 2022 10:11 AM
To: Christopher Wren <ChrisW@co.newaygo.mi.us>
Subject: Coward

This is what a dictator looks like. Laugh all you want. I will be laughing right to the bank.

Like I said to your laughing face. You accused, convicted, and sentenced me to a misdemeanor, without actually giving me a ticket and due process. Because I didn't actually do anything and if you would have tried to charge me with something you would be in the same position you are now. In Federal court. You don't even know your own laws so before you start screaming at me to sue you, you probably should check yourself.

From: [Lane Myers](#)
To: [Zint, Amanda](#); [Abdoo, Leslie](#); [Homier, Michael](#)
Subject: Malicious prosecution
Date: Thursday, October 27, 2022 12:44:52 PM

I plan to file a couple State Court Torts also. Filed separately, not together with the Federal claim. Because it will also include FOIA violations and a few other violations of State Law and Torts. Judge Maloney would prefer I file them in State Court. So I will. Those will be within the next week.

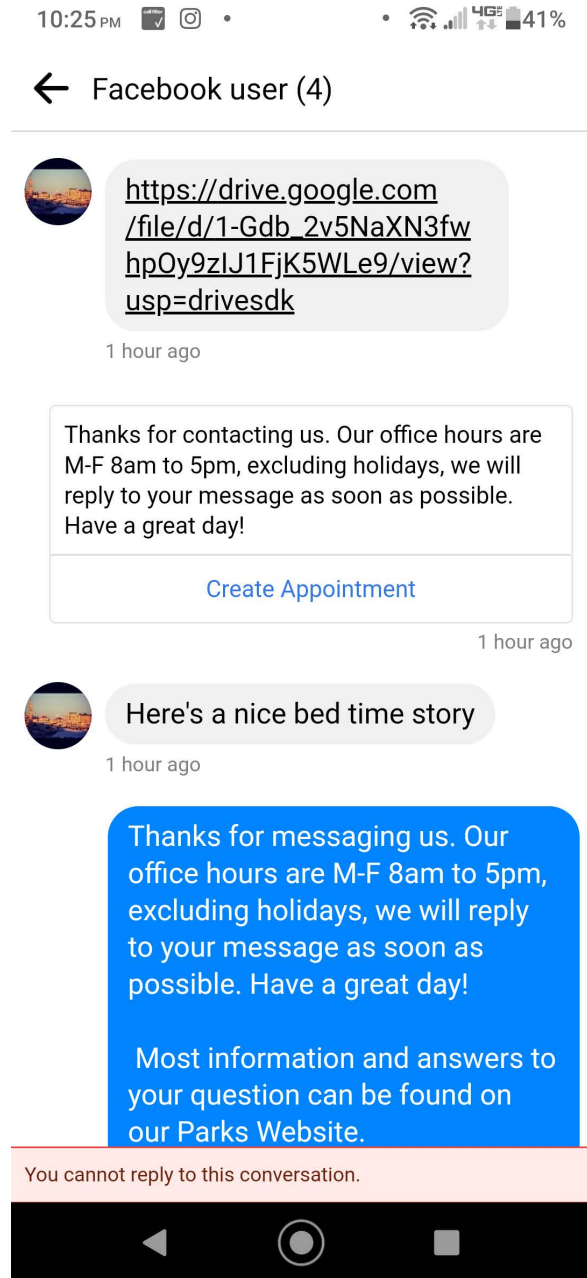
<https://www.findlaw.com/injury/torts-and-personal-injuries/malicious-prosecution.html>

From: [Lane Myers](#)
To: [Zint, Amanda](#); [Abdoo, Leslie](#); [Homier, Michael](#); [ChrisW@co.newaygo.mi.us](#); [nicks@co.newaygo.mi.us](#); [Chadp@co.newaygo.mi.us](#); [bobm@co.newaygo.mi.us](#); [gdesjardins@mmrma.org](#)
Subject: Criminals
Date: Friday, October 28, 2022 6:12:37 AM

When I said you were criminals, thats exactly what I meant. And liars. If you think you can operate a criminal enterprise in Newaygo County, we can look into the RICO act also.

[Michigan Legislature - Section 600.2907](#)

[18 U.S. Code § 242 - Deprivation of rights under color of law | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)



From: Lane Myers <meyerlansky879@gmail.com>
Sent: Monday, October 31, 2022 2:59 PM
To: Zint, Amanda <AZint@fosterswift.com>
Subject: Re: Lane Myers v Christopher Wren, et al. (Defendant's Initial Disclosures) [FSCS-LEG.FID1633614]

Katherine Henrichs will not be testifying at any time. Any attempt to contact or bring her into this case will immediately end any chance of a settlement. Fuck around and find out.

On Mon, Oct 31, 2022 at 11:04 AM Zint, Amanda <AZint@fosterswift.com> wrote:

Mr. Myers – Attached for your records please find a copy of the Defendant’s Rule 26(A)(1) Disclosures. A physical copy of which will follow via first class mail.

Thanks – Amanda

Amanda J. Zint
Legal Assistant
Foster Swift Collins & Smith PC
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Phone: 616.726.2256
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azint@fosterswift.com
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From: [Lane Myers](#)
To: [Zint, Amanda](#); [Abdoo, Leslie](#); [Homier, Michael](#)
Subject: Jessica Pinocchio
Date: Monday, October 31, 2022 10:46:37 PM

What are you going to say when I play the recording of the phone call between Jessica and I to the jury? She straight up lied through her teeth. . Now I have 2 people lying on a phone call and then testifying something completely different!.

From: Lane Myers <meyerlansky879@gmail.com>

Sent: Tuesday, November 1, 2022 11:53 PM

To: Homier, Michael <MHomier@fosterswift.com>

Subject: Re: Rule 11 motion

Thanks for the legal advice. I know how a Rule 11 works, unlike you, who filed 300 pages of useless information to try and influence the Judge. In a procedurally moot Rule 11. When I said file, I was referring to filing the Certificate of Service with the Court indicating I served you with the Proposed Rule 11 Motion. Unlike you, who did not file notice of service with the Court on September 28th indicating you served me with the Proposed Rule 11. I was not approved for electronic filing on September 28th, so your Rule 11 was not properly filed with the Court either.

So this was my Notice of Intent, and Concurrence. Now that I know you will be fighting my Rule 11 instead of meeting the conditions that warrant sanctions in my Rule 11. I will serve you the Proposed Motion for Rule 11 sanctions AND file the Certificate of Service with the Court indicating I served you Notice of a Proposed Sanctions, and your 21 day Safe Harbor period was beginning.

Instead of Answering the Complaint, and the filing a Rule 11 calling the original complaint frivolous. You should have just filed a Motion to Dismiss as your response calling my Claim frivolous, and arguing the legal merits of it. Instead you let me suck you into a personality conflict which is outside of the Courts discretion and falls under the MRPC. Which only you have agreed to follow. You let me suck you into getting in trouble with the AGC, instead of focusing on the legal arguments.

So now ill be sitting at the U of A Law Library in Tucson everyday destroying an Alumni with their own Law Library

Thats your free legal advice. I didn't want you to think I was unappreciative of your free legal advice

explaining how a Rule 11 works.

On Tue, Nov 1, 2022 at 8:12 PM Homier, Michael <MHomier@fosterswift.com> wrote:

Mr. Myers – We intend to object to your Rule 11 motion. Contrary to the statement in your email, while you informed us you would be filing a Rule 11 Motion for Sanctions against us numerous times and served us with your response to our Rule 11 Motion, you did not serve us with a copy of your proposed Rule 11 Motion on September 28, 2022 (or any time thereafter) as required under Rule 11(c)(2). We served you with our Rule 11 Motion for Sanctions on September 28, 2022.

Michael D. Homier

Attorney

Foster Swift Collins & Smith PC

1700 East Beltline, N.E., Suite 200

Grand Rapids, MI 49525-7044

Phone: 616.726.2230; 517.371.8120

Mobile/Text: 517.285.4251

Fax: 517.367.7120

mhomier@fosterswift.com

www.fosterswift.com

From: Lane Myers <meyperlansky879@gmail.com>

Sent: Tuesday, November 1, 2022 12:55 AM

To: Zint, Amanda <AZint@fosterswift.com>; Abdoo, Leslie <labdoo@fosterswift.com>; Homier, Michael <MHomier@fosterswift.com>

Subject: Rule 11 motion

pursuant to LR 7.1(d), I must seek concurrence prior to filing of my Rule 11 Motion for Sanctions that I served on you on September 28 2022, which I will file in the next few days. Please let me know if you intend to oppose this motion.

Judge Green stated at the Rule 16 that emailing you counted as serving you. Leslie stated she was taking service by email. I emailed about Rule on September 28th 2022.

You've been served

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From: [Lane Myers](#)
To: [Zint, Amanda](#); [Abdoo, Leslie](#); [Homier, Michael](#); gdesjardins@mmrma.org
Date: Thursday, November 3, 2022 12:08:23 AM

Mike and Leslie, here is a more formal breakdown of the Rule 11 Sanctions Motion I am filing. Your safe harbor period did begin on September 28th as I indicated. Look up Khan vs Hemosphere. I notified you multiple times of my intention to seek sanctions if you file an improper Rule 11.

Your Rule 11 is without merit, it doesn't meet the Federal Rules of Civil Procedure, it attempts to make legal arguments outside the vehicle of a Rule 11. Its clearly intended purpose is improper. The only reason you knowingly filed a Rule 11 in violation of Rule 11 was to try and make me look bad to the Judge. You used Rule 11 as a legal strategy which is a violation of the MRPC. You have made no attempt to investigate the merits of my claims or factual allegations before filing the improper Rule 11. You made no attempt to discuss the only filing I made with the Court prior to filing an improper Rule 11.

Rule 11 only relates to filings with the Court, not my behavior towards anyone outside of court. You have made critical fundamental and procedural errors throughout this case. You are acting in violation of the MRPC, I am not held to those standards. You advised your clients to violate my rights. You are refusing to make a good faith attempt to litigate this case. Most of these are the violations I reported to the Attorney Grievance Commission already.

I am now filing a Rule 11 against you, I gave you over 21 days to withdraw or not file your Rule 11. My emails to you form the basis of substantive notice as required in lieu of service of the Motion for Rule 11. As long as I strictly define the alleged violations I am alleging in my Rule 11, my emails count.

If you felt my original Complaint was lacking merit, was frivolous, and did not make factual based legal arguments, you should have filed a Motion to Dismiss in response. Instead you answered it. Beginning the litigation process. As you stated, my aggressive legal tactics began on September 16th after receiving a copy of your Answer and the body camera footage from the Deputies. Of course I'm pissed, think you are trash lawyers, and am going to continue to absolutely destroy you every chance I can get. YOU put yourself in this position when you failed to advise your clients to let me use the park and change the ordinance to make it pass constitutional scrutiny. Instead you ignored me, and filed a bunch of nonsense in a Rule 11, breaking Rule 11 in the process.

Rule 11 is like a Nuclear Bomb. You might kill your enemy but you'll probably kill yourself in the process. You chose the Nuclear option not me. I attempted to resolve this for 0 dollars and a handshake. You failed your clients, and you violated the MRPC, while committing a Rule 11 violation for filing an improper motion with the Court. All to try and make me look

bad with the judge. Not because it had merit.

Now you will be fighting a Rule 11, while I negotiate a settlement with MMRMA. Play stupid games, win stupid prizes. Underestimate me all you want. I will go to the end of the earth to prove my rights were violated and you are scumbag lawyers trying to cover up for lying public officials. The worst kind of lawyers. Slime balls.

You have till Friday to withdraw your Rule 11 or im filing mine. Your 21 days is long passed. Im attempting to give you an opportunity to correct your behavior like responsible adults and members of the Michigan Bar Association. If you want to complain about me to someone contact the Jailhouse Lawyers Bar Association, not file a Rule 11 potentially getting yourself sanctioned.

Heres the very specific allegations contained in my Rule 11.

Filed ECF Document 8 without proper signature
Refused to participate in a Rule 26/joint status report conference
Filed Joint Status Report misrepresenting Plaintiffs positions
Filed a Rule 11 without merit
Showed up to court not admitted to practice in the Western District

First notified of amended complaint sept 15th, making a Rule 11 calling the original complaint moot

Heres some reading for you around Rule 11 itself.....

Even if the district court finds evidence to be insufficient for purposes of summary judgment, that "does not mean that appellants' claims were factually unfounded for purposes of Rule 11." *Stitt v. Williams*, 919 F.2d 516, 527 (9th Cir. 1990).

Rule 11 sanctions are only available with regard to papers filed with the court, not attorney misconduct. *Fed. R. Civ. P. 11*; see also *United Energy Owners Comm., Inc. v. United States Energy Management Systems, Inc.*, 837 F.2d 356, 364-65 (9th Cir. 1988).

Rule 11....

Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record and in the attorney's individual name[.] . . . [T]he signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion or other paper; that to the best of the signer's knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is

warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. . . . If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(b) Representations to the Court. By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,

1. It is **not being presented for any improper purpose**, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

Moving for Sanctions under Rule 11 means to ask a Judge to Penalize another Party or Attorney for Making a Baseless Claim in a Civil Litigation

Rule 11 sanctions means a punishment or penalty imposed by a federal court in a civil [litigation](#) against an attorney or a party. Sanctions, in this context, means a punishment or penalty. [Rule 11](#) refers to Federal Rule of Civil Procedure 11. When a party moves for Rule 11 sanctions it makes a [motion](#) asking the Court to punish another attorney or party.

Rule 11 is intended to make sure that when an attorney or a party submits a legal document to the Court in a civil litigation, he believes in good-faith that the document is truthful, supported by the law, and is being submitted for an appropriate purpose.

According to Rule 11, when an attorney (or an unrepresented party) submits a [complaint](#), defense, [memorandum of law](#), or other written submission to the court he is certifying that the document (i) is not being submitted for an improper purpose such as to harass someone; (ii) the legal arguments have a basis under existing law or there is a good-faith basis to change the law or create new law; (iii) the facts are supported by evidence or will be supported by evidence; and (iv) denials of any facts are supported by evidence or will be supported by evidence.

Rule 11 Abuse

Every now and then, you run into a lawyer who feels the need to ask for Rule 11 sanctions with every motion they file, regardless of whether Rule 11 sanctions are justified or not. Apparently these lawyers have some preconceived idea that with every case they handle, opposing counsel's acts are always nefarious and, therefore, worthy of Rule 11 sanctions. While most district court judges understand Rule 11 and correspondingly deny these motions, every now and then you run into a judge that will actually grant the motion even if the motion is not well founded.

The overwhelming majority of federal appellate courts have held that the conditions of Rule 11 must be strictly followed and that Rule 11 should be rarely used. In *Operating Engineers Pension Trust v. AC Co.*, 859 F.2d 1336, 1343-44 (9th Cir. 1988), the court not only reversed Rule 11 sanctions but admonished lower courts to show more restraint because "Rule 11 is an extraordinary remedy, one to be exercised with extreme caution."

Due process is heavily involved in Rule 11 proceedings. Subsection (c)(2) of the Rule requires notice of the specific claims that are alleged to be improper. The targeted attorney/party must be given an opportunity to respond.

In *Khan v. Hemosphere, Inc.*, the Federal Circuit disagreed with your analysis of Rule 11. In particular, the court held that the Khans were sufficiently "on notice of [defendants'] intent to seek sanctions" based upon a series of letters sent to the Khans indicating that a sanctions-motion was coming. Thus, although the Khans were not served with "the motion" they were sufficiently on notice.

<https://youtube.com/shorts/KbhutUTDHPM?feature=share>

From: [Lane Myers](#)
To: [Zint, Amanda](#); [Abdoo, Leslie](#); [Homier, Michael](#)
Subject: 4th amendment
Date: Monday, November 7, 2022 12:54:37 PM

If they didn't remember my name, but knew where "he lives". How did they get my name, address and cell phone number to call me 15 minutes later? Better question is why does Freriks respond to the question from Nick Smith "should I trespass him" with "you can"? No he can't, unless I did something that violated a park Ordinance and was taken to court for the ticket.

If I did something so bad I needed to be banned, and they would fight a lawsuit in Federal court over it. Why not just issue me a citation to appear in court and answer for my charges? Then I would have due process and have to fight the allegations in a court of law.

Instead they violated all my rights and made jokes about it.

Who's laughing now?

<https://youtu.be/csAxOMk-h94>

From: [Lane Myers](#)
To: [Bertolozzi, Jessica](#)
Subject: Pinocchio
Date: Tuesday, November 1, 2022 8:35:10 AM

I dont know what your intentions were by making up lies and signing an affidavit in which you completely fabricated a story. I recorded our entire conversation just like I have with every conversation with Amanda Zint. Now you will be facing punishment for signing an affidavit that is a lie. Not sure why you would risk your own career to lie for scum bag lawyers. Play stupid games, win stupid prizes.